

In 2019, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. The government elevated the Tobacco Commission to enforce the Tobacco Industry Bill, which requires tobacco growers to report on efforts to eliminate child labor in tobacco farming, and significantly increased funding of its labor inspectorate. In addition, key coordinating bodies contributed to the development of a Child Labor Mainstreaming Guide, which advises government departments and public sector organizations on integrating child labor prevention and elimination into their activities. However, children in Malawi continue to engage in the worst forms of child labor including in the harvesting of tobacco and commercial sexual exploitation, each sometimes as a result of human trafficking. In addition, gaps continue to exist in labor law enforcement related to child labor, including financial resource allocation, and minimum age protections do not extend to children working in private homes and non-commercial farms.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Malawi engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and the harvesting of tobacco. (1) Table 1 provides key indicators on children's work and education in Malawi.

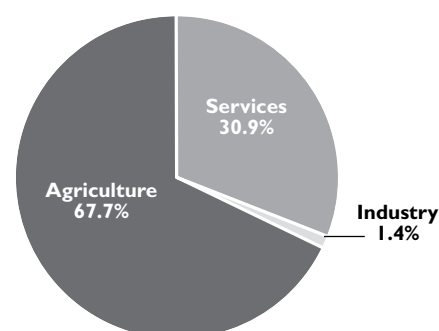
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	43.2 (1,965,690)
Attending School (%)	5 to 14	89.9
Combining Work and School (%)	7 to 14	45.4
Primary Completion Rate (%)		80.0

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2020. (2)

Source for all other data: International Labor Organization's analysis of statistics from National Child Labour Survey (Simpoc), 2015. (3)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Production of tea (4-7)
	Planting and harvesting tobacco, clearing land, building tobacco-drying sheds, cutting and bundling, weeding, and plucking raw tobacco† (1,4,5,8-12)
	Herding livestock (7,13,14)
Industry	Brickmaking† (13,14)
	Construction,† activities unknown (7,14)
Services	Domestic work in third-party homes (7,15)
	Ganyu (a form of casual labor) (16)
	Begging† (7,13)
	Vending and wholesaling (7,17)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1,4,13,18,19)

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Table 2. Overview of Children’s Work by Sector and Activity (Cont.)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Herding goats and cattle; farming (predominantly tobacco); fishing; brickmaking; domestic work; and work in small businesses such as rest houses and bars, each sometimes as a result of human trafficking (4,13,20)
	Forced begging (13)
	Use in illicit activities, including the sale and trafficking of drugs(7,21)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Children in Malawi are engaged in hazardous work in the production of tobacco. (7,22,23) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness. (23,24) They are exposed to pesticides, chemicals, and harsh weather conditions; they also utilize sharp tools. (23) Some children work alongside family members who are tenants on tobacco farms. (1,5,23,25) In the tenancy system, tenants’ pay is based on the quantity and quality of tobacco sold to farm owners after the harvest season, and parents have an incentive to use their children to increase their earnings. Tenants often incur loans during the growing season; in many cases, they are unable to repay these debts, resulting in entire families being placed in debt bondage. (1,26) Many children working under these conditions do not attend school. (5,23)

Most child trafficking for labor in Malawi takes place internally. (13,19) Boys from southern Malawi are particularly vulnerable and are forced to work on tobacco farms in Malawi’s northern and central regions; they are also forced to work as cattle herders and in the brickmaking industry. (13,19,27) Child trafficking also takes place from Malawi to other countries, including Mozambique, South Africa, Tanzania, Zambia, and the Middle East. (19,20,27) Child victims of human trafficking may be charged for their clothing, food, housing, and transport. They may also be forced to work in debt bondage because of these charges and be unable to return home or support themselves. (28)

Girls from rural areas sometimes move to larger cities in search of work. In some cases, they are provided clothing and lodging from brothel owners and, if unable to find other work, engage in commercial sexual exploitation to pay off their debts. (1,13,27)

Primary education is tuition-free, and in September 2018, the government abolished secondary school fees to facilitate access to secondary education. However, considerable barriers to education exist, including families’ inability to pay required school-related expenses, such as books and uniforms. (1,20,29-31) Long distances, lack of teachers, poor school infrastructure, and the lack of water, electricity, and sanitation facilities also negatively impact children’s attendance at school. In addition, safety concerns may negatively affect attendance; reports indicate that children are sometimes victims of sexual assault at school. (5,7,15,20,30,32) Additionally, many girls in grades six to eight are pulled from school to perform domestic work at home. (30)

Children with family members with HIV/AIDS may need to assume responsibility as heads of their households, including working to support their families. These children, especially those who become orphaned, are at increased risk of entering into the worst forms of child labor. (33)



II. LEGAL FRAMEWORK FOR CHILD LABOR

Malawi has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓

Table 3. Ratification of International Conventions on Child Labor (Cont.)

Convention	Ratification
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

In 2019, the government ratified ILO C.029 Protocol of 2014 to the Forced Labor Convention 1930 and ILO C.184 Safety and Health in Agriculture Convention of 2001. (7,34) The commitments under these conventions would extend to the tobacco sector, in which children in Malawi are subject to both forced labor and hazardous work conditions. (35,36)

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Malawi's legal framework to adequately protect children from the worst forms of child labor, including the minimum age for work and military recruitment by non-state actors.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	14	Section 21 of the Employment Act (37)
Minimum Age for Hazardous Work	Yes	18	Section 22 of the Employment Act; Section 23 of the Constitution (37,38)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Sections 1–9, and Paragraph 6, Sections 1–6 of the Employment (Prohibition of Hazardous Work for Children) Order (39)
Prohibition of Forced Labor	Yes		Section 4 of the Employment Act; Section 27 of the Constitution; Sections 140–147 and 257–269 of the Penal Code; Sections 79 and 82 of the Child Care, Protection and Justice Act; Section 15 of the Trafficking in Persons Act (37,38,40-42)
Prohibition of Child Trafficking	Yes		Sections 140–147 and 257–269 of the Penal Code; Section 79 of the Child Care, Protection and Justice Act; Section 15 of the Trafficking in Persons Act (40-42)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 137–138, 140, 142, 147, and 155 of the Penal Code; Sections 23 and 84 of the Child Care, Protection and Justice Act; Sections 15 and 20 of the Trafficking in Persons Act (40-42)
Prohibition of Using Children in Illicit Activities	Yes		Section 23 of the Child Care, Protection and Justice Act (40)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 19 of the Defense Force Act (43)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	18	Article 13 of the Education Act (29)
Free Public Education	Yes		Article 13 of the Education Act (29)

* No conscription (43)

In 2019, the government passed the Tobacco Industry Bill, which requires tobacco growers to report on their actions on issues of child labor. (7,44,45) The Commissioner may cancel the registration of a tobacco grower if the grower fails to submit a report that is satisfactory. (46)

Malawi currently lacks a specific legal framework for the tenancy system, which is often used in tobacco production, and leaves children vulnerable to the worst forms of child labor. Families working under the tenancy

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system are particularly vulnerable to debt bondage because loans advanced to farmers operating under this arrangement are often of a higher value than the profits farmers receive from crop yields. (1,47,26,48,49) In 2018, the Cabinet debated an amendment to the Employment Act that would prohibit tenancy farming. However, the government decided to defer consideration of the amendment until the ILO completes a study on the extent of tenancy farming in Malawi. (30)

Section 21 of the Employment Act sets the minimum age for employment at age 14 in agricultural, industrial, or non-industrial work. (37) The minimum age is not extended to workers in third-party homes, such as in domestic work, or non-commercial agriculture in which children are known to work. (37,50) The minimum working age is also lower than the compulsory education age, which may encourage children to leave school before the completion of compulsory education. (29,37) Although non-state armed groups are not known to recruit children for military activities in the country, Malawi law does not meet international standards because it does not explicitly prohibit this practice.

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor, Skills and Innovation (MOLSI) that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor, Skills and Innovation (MOLSI)	Performs inspections and investigates all labor complaints, including those related to child labor. Through its Child Labor Unit, monitors and implements child labor law compliance through child labor monitoring visits. (8,51)
District Labor Offices	Enforces child labor and trafficking in persons laws at the district level. (7)
Malawi Police Service	Investigates suspected cases involving the worst forms of child labor. Analyzes and operationalizes systems to track human trafficking trends. (52)
Ministry of Homeland Security	Enforces human trafficking laws and prosecutes human trafficking offenses. (7)
Ministry of Justice and Constitutional Affairs	Prosecutes criminal offenders. (7,53)
Tobacco Commission	Oversees the regulation of the tobacco industry and enforcement of the Tobacco Industry Bill, including child labor issues. (7,45)
Ministry of Gender, Children, Disability and Social Welfare (MOG) Department of Child Development	Provides child protection and development services. (32)

Labor Law Enforcement

In 2019, labor law enforcement agencies in Malawi took actions to combat child labor (Table 6). However, gaps exist within the operations of MOLSI that may hinder adequate labor law enforcement, including financial resource allocation.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	\$98,000 (30)	\$198,924 (54)
Number of Labor Inspectors	65 (51)	78 (54)
Inspectorate Authorized to Assess Penalties	Yes (46)	No (7)
Initial Training for New Labor Inspectors	Yes (46)	Yes (7)
Training on New Laws Related to Child Labor	N/A (46)	Yes (7)
Refresher Courses Provided	Yes (30)	Yes (7)
Number of Labor Inspections Conducted	1,324 (30)	Unknown (7)
Number Conducted at Worksite	556 (30)	Unknown (7)
Number of Child Labor Violations Found	1,085 (30)	10 (54)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (30)	N/A (7)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (30)	N/A (7)

Table 6. Labor Law Enforcement Efforts Related to Child Labor (Cont.)

Overview of Labor Law Enforcement	2018	2019
Routine Inspections Conducted	Yes (30)	Yes (7)
Routine Inspections Targeted	Yes (30)	Yes (7)
Unannounced Inspections Permitted	Yes (30)	Yes (7)
Unannounced Inspections Conducted	Yes (30)	Yes (7)
Complaint Mechanism Exists	Yes (30)	Yes (7)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (30)	Yes (7)

In 2019, the government increased the funding and size of its labor inspectorate from the previous year; however, research indicated that funding and resources are likely inadequate to enforce laws related to child labor. (1,7,30) The number of labor inspectors is likely insufficient for the size of Malawi's workforce, which includes more than 7 million workers. (55) According to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in least developed economies, Malawi would employ about 175 labor inspectors. (56,57) Due to personnel and resource constraints, most labor inspections take place in or near major towns where district labor enforcement offices are located, leaving workplaces in remote and rural locations less protected. (19) In addition, labor inspectors do not have a mandate to directly assess penalties for violations related to child labor, but refer cases to the police for criminal law enforcement action. (7)

The government supports a child protection helpline operated by an NGO that identifies cases of child sexual and labor exploitation. Research did not find information on the number of calls related specifically to child labor. (7)

Criminal Law Enforcement

In 2019, criminal law enforcement agencies in Malawi took actions to combat child labor (Table 7). However, gaps exist within the operations of criminal enforcement agencies that may hinder adequate criminal law enforcement, including training for criminal investigators.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Unknown (30)	No (54)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (30)	Yes (54)
Refresher Courses Provided	Unknown (30)	No (54)
Number of Investigations	Unknown (30)	3 (19)
Number of Violations Found	Unknown (30)	4 (19)
Number of Prosecutions Initiated	Unknown (30)	13 (19,54)
Number of Convictions	Unknown (30)	4 (19)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown (58)	Yes (19)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (46)	Yes (7)

Many children in Malawi lack birth certificates. The inability of law enforcement officials to verify the ages of child victims may have impeded efforts to prosecute traffickers under the Child Care, Protection and Justice Act, and the Trafficking in Persons Act. (59) In addition, children who are the victims of commercial sexual exploitation are sometimes arrested by the police and detained alongside adults. In some instances, these children fall victim to abuse, including sexual extortion, by the police. (7,13,30)

The government did not provide information related to its efforts to train new criminal law enforcement investigators, or on refresher courses it provided. (7)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

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Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Provides policy guidance to support the elimination of child labor and implementation of the National Action Plan on Child Labor. Chaired by the Ministry of Agriculture, with MOLSI acting as the main technical advisor and secretariat, and includes representatives from government ministries, trade unions, employers, development partners, and civil society organizations. (33,60,61) The National Steering Committee on Child Labor met in 2019 to approve the National Action Plan on Child Labor and the Child Labor Mainstreaming Guide. (7,54)
National Technical Working Group on Child Labor and Protection	Oversees child protection issues and development of child labor elimination strategies for approval by the National Steering Committee on Child Labor. Chaired by MOG, and includes representatives from the government, international organizations, development partners, and NGOs. (54,60) The National Technical Working Group on Child Labor and Protection held meetings on preparatory work for the commemoration of the World Day Against Child Labor. The committee also met to review the National Action Plan for the Child and to develop the Child Labor Mainstreaming Guide. (54)
District Child Protection Committees	Coordinates all child protection activities at the district level and improve local coordination on child protection issues. (60) District Child Protection Committees were active at the local level during the reporting period. (54)
National Coordination Committee Against Trafficking in Persons	Coordinates and oversees investigations and prosecutions, training, victim care, and human trafficking data collection. (62) Mandated by the Trafficking in Persons Act of 2015. (8) The National Coordination Committee Against Trafficking in Persons met quarterly in 2019.

In 2019, MOLSI, with the support of Winrock International, developed the Child Labor Mainstreaming Guide to advise government departments and public sector organizations, at both the national and district levels, on integrating child labor prevention and elimination into their activities. (7,63) The guide was developed in coordination with the National Steering Committee on Child Labor and the National Technical Working Group on Child Labor and Protection. (54)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including implementation.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Children's Policy (2019–2025)†	Aims to facilitate the coordination of all policies related to the needs of children to ensure child protection, including the prevention of child labor and trafficking. (63)
National Action Plan for the Child (2019–2025)†	Reinforces child labor elimination through awareness raising and vocational training to vulnerable children and children withdrawn from child labor. (7,54)
National Action Plan for Vulnerable Children (2015–2019)	Provided a framework for the development of district implementation plans. (65,66) In 2019, the government conducted a review of the National Action Plan for Vulnerable Children and drafted an updated policy, which is currently awaiting cabinet approval. (54)
National Plan of Action Against Trafficking in Persons (2017–2022)	Outlines objectives to counter trafficking in persons: strengthen prevention; provide support and protection for victims; strengthen detection, investigation, and prosecution of offenses; encourage partnership and coordination; and conduct research, monitoring, and evaluation. (67,68) In 2019, the government developed standard operating procedures for handling trafficking referrals, held trainings for law enforcement officers and the public on issues related to trafficking in persons, and established two district-level coordination committees against trafficking in persons. The government also developed a national trafficking data collection and a communication strategy to improve communication and resource mobilization among key stakeholders. (69)
UNDAF (2019–2023)	Recognizes child labor as a common constraint to the creation of decent and productive employment. Signed between the government and the UN in September 2018, proposes strategies to address child labor, including prioritizing investments in child education, ensuring schools are safe from violence, and providing vocational skills for out-of-school children. (12,70,71) In 2019, the government held consultative meetings with civil society, non-government organizations, and other relevant stakeholders to develop action plans for the implementation of interventions related to the UNDAF, including prevention and elimination of child labor. (54,69)

† Policy was approved during the reporting period.

Although the Government of Malawi has adopted a National Youth Policy and a National Education Sector Plan, child labor elimination and prevention strategies have not been integrated into these policies. (72,73)

In 2018, the government began reviewing a draft National Action Plan on Child Labor. The policy, however, is still waiting cabinet approval after resubmission in 2019. (1,7,8,30,46) The Cabinet is also reviewing a National Action Plan for Vulnerable Children and a Child Protection Strategic Plan to replace policies that expired during and before the reporting period. The government adopted a National Action Plan for the Child, which will reinforce child labor elimination strategies. Although the cabinet has approved the policy, it has not launched or made this policy available to the public. (7,54)

In 2019, Malawi became a Pathfinder country under Alliance 8.7. This involves accelerating commitments toward achieving Sustainable Development Goal Target 8.7, which calls for the eradication of child labor by 2025, and forced labor, modern slavery, and human trafficking by 2030. (74)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including implementation.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Child Labor Monitoring System†	MOLSI system in pilot districts that identifies working children. Collects various data including school attendance. (60) Research was unable to determine whether activities were undertaken to implement the Child Labor Monitoring System during the reporting period. (7)
National Social Cash Transfer Program†	MOG program that supports low-income families in high-risk districts to enable children to stay in school. As of 2017, 430,000 children participated in the program. (55) Research has shown a decrease in child labor rates among participants of this program. (75,76) In 2019, the government made monthly social cash transfers to 293,000 households across the country, an increase from 176,000 in 2018. (69)
Complimentary Basic Education Program†	\$1.1 million government-funded project that promotes school enrollment for children who are removed from child labor. In 2019, the government constructed and renovated 140 early child development centers, and supported community reintegration of approximately 888 children without permanent homes and from reformatory centers; in addition, around 2,158,428 primary school learners received assistance with school meals. (69)
Orphans and Vulnerable Children Intervention†	\$4.9 million, USAID, and President's Emergency Plan for AIDS Relief-funded program that, in partnership with MOG, provides education, child protection services, birth registration, and shelter and care to vulnerable children from birth to age 17 through the establishment of Community Based Care Centers. (77) Research was unable to determine whether activities were undertaken to implement the Orphans and Vulnerable Children Intervention program during the reporting period. (7)
Accelerating Child Labor Elimination Supply Chains (ACCEL) (2018–2022)	ILO program, with funding from the Ministry of Foreign Affairs of the Netherlands, that targets elimination of child labor in the coffee and tea sectors through emphasis on addressing the root causes of child labor, strengthening the sharing of knowledge and collaboration among supply chain actors, and improving policy, legal, and institutional frameworks. (7,79) The program targets five districts in Malawi with substantial tea and coffee farming. (69)

† Program is funded by the Government of Malawi.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (50,54,58,80,81)

The government, with the EU, UNICEF, and the U.S. Centers for Disease Control and Prevention, support programs to increase birth registration and data collection in various districts across the country. (58,65,78)

Although Malawi has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem in all relevant sectors, including agriculture and commercial sexual exploitation.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Malawi (Table 11).

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Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that all forms of children’s work, including work conducted by children in private homes (domestic service) and on non-commercial farms, receive legal protection, including a minimum age for work that complies with international standards.	2009 – 2019
	Raise the minimum age for work from 14 years to the age up to which education is compulsory.	2018 – 2019
	Ensure legal protection for children working in the tenancy system.	2009 – 2019
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2019
Enforcement	Authorize the labor inspectorate to assess penalties.	2019
	Publish information on the number of labor inspections conducted, including worksite inspections.	2016 – 2019
	Increase resources to the labor inspectorate to conduct regular child labor inspections, including in remote and rural areas.	2009 – 2019
	Increase the number of labor inspectors to meet the ILO’s technical advice.	2017 – 2019
	Disaggregate data on child labor from child protection hotline calls and publish the information.	2014 – 2019
	Institutionalize training for criminal law enforcement investigators, including by training new investigators and providing refresher courses.	2019
	Ensure that children who are victims of commercial sexual exploitation do not fall victim to sexual extortion and are not arrested or detained.	2018 – 2019
Government Policies	Integrate child labor elimination and prevention strategies into the National Education Sector Plan and the National Youth Policy.	2011 – 2019
	Finalize and implement national child labor and child protection policies.	2009 – 2019
	Publish and implement the National Action Plan for the Child.	2019
Social Programs	Ensure that additional educational costs, inadequate school infrastructure and number of teachers, long travel distances to reach schools, exposure to sexual violence, and the impact of HIV/AIDS do not serve as barriers to education.	2012 – 2019
	Ensure that activities are undertaken to implement key programs related to child labor.	2017 – 2019
	Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor, and develop specific programs to target children in agriculture and commercial sexual exploitation.	2011 – 2019
	Ensure all children are registered at birth, and increase efforts to register children who are not issued birth certificates at birth.	2018 – 2019

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